

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

02 DEC 16 PM 2:36

69cv07941 JEC-ACE
CLERK'S OFFICE

RIO CHAMA STREAM SYSTEM
Rio Nutrias, Section 3

Subfile No(s).

CHNU-002-0015

ORDER GRANTING DEFAULT JUDGMENT

This matter is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's September 23, 2002 Motion for Default judgment (Docket No. 6881) in subfile CHNU-002-0015. The Court, being fully advised, finds that the State's motion is well taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 3, Rio Nutrias (April 17, 2000) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

6994

**ESTANISLAO ROYBAL
LUCIA ROYBAL**

Subfile No.: CHNU-002-0015

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s): NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface Water of the Terrero Creek, a tributary of the Rio Nutrias, a tributary of the Chama River.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Espiriano Velasquez

Location X: 1,570,311 feet **Y:** 2,034,995 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 10, Township 27N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$	15.5 acres
----------------------	------------

Section 11, Township 27N, Range 04E, N.M.P.M.

Pt. SW $\frac{1}{4}$	0.1 acres
----------------------	-----------

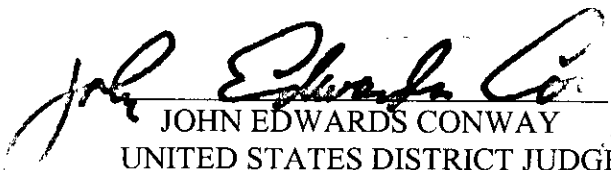
Total	15.6 acres
-------	------------

As shown on the 2000 Hydrographic Survey Map CHNU- 2.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.


JOHN EDWARDS CONWAY
UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER